

# Land Watch Asia

Campaign Update 2010–2011

## NEPAL

### Renewed Push for Land Reform as a New Chapter in History Unfolds<sup>1</sup>

According to the United Nations 2009 Human Development Report, Nepal ranks 144<sup>th</sup> out of 177 countries in the world, making it one of the world's least developed countries. It was also classified in the same report as one of the poorest with a per capita Gross Domestic Product of US\$367.

There is general agreement that one of the major factors that contribute to the dismal economic picture of Nepal is the stark inequality in the access to land, on which Nepal's economy largely depends, with agriculture providing livelihood to almost 65% of its population of 4.3 million households.

Government data shows that more than half of the farming households in Nepal are either landless or own less than 0.5 ha of the country's valuable arable land, which accounts for just 20% of the total land area. In contrast, absentee landlords own most of the fertile land in the country and yet they do not rely on the land for their income. The Human Development Report 2004 (UNDP, 2004) shows that the top 5% own 37% of agricultural land while 47% small farmers own only

15% of the land. The same report said that 29% of households are landless and depend upon agriculture for their livelihood.

Considering how important agriculture—and therefore land—is to Nepal's economy, it is no wonder then that the lack of access to land has resulted in widespread poverty and the concentration of power and influence in the hands of the very few who own so much land.

Government statistics say that as of 2006, 31.8% of the Nepalese people live below the poverty line, although other sectors in civil society put the poverty incidence at a much higher 60%, simply because the main source of production—land—is not in their hands.

Figures from Nepal's Central Bureau of Statistics (2001) show that of the 4.3 million families in Nepal, about 1.3 million or about 30% are landless or near landless. Among these are the Dalits, ethnic communities and women, who have little option but to work on the land to support them and their families, putting them at a disadvantage to their landlords.

There have been many attempts to remedy this dire situation of concentrated land ownership in the hands of a few since the 1950s, when political tensions arose as tenant farmers rallied to assert their rights over land that they had tilled for generations. It also marked the restoration of democracy after years of absolute rule by the monarchy.

The Land Watch campaign in Nepal is spearheaded by the Community Self-Reliance Centre (CSRC) in partnership with Federation of Community Forest Users, Nepal (FECOFUN) and NGO Federation of Nepal (NFN).

Eventually, the 1964 Land Reform Act was passed, and it changed the land tenure framework. It remains the government's primary land reform law in Nepal.

Among others, the Land Act fixed the area of land that a family can own and cultivate, so that the excess—after just compensation to the landowner—can be distributed to local landless people and small farmers.

The Land Act was also a major step toward protecting the rights of the tenant as it entitled the tenant to a fourth of the land he had been cultivating. The act also fixed the rent that the tenant is required to pay the landowner at 50% of the amount of the principal crop.

The same act, however, gave landlords the right to evict their tenants if they did not agree to pay higher rents. This resulted in the systematic eviction of persons cultivating land in the villages for years, and institutionalized their vulnerability and dependence on the landlords since they have no other means of livelihood.

Subsequent amendments to the act led to the lowering of the ceiling or the maximum amount of land an individual can own, and also refined the provisions of the tenancy agreement to better serve the interests of the tenants.

But while the intentions of the Land Act, 1964 can be considered noble and progressive at the time, implementation, however, has been far from ideal, consequently leading to political, social, economic and agrarian inequalities between the rulers and the ruled classes and preventing tillers from owning their land. Land was used a measure of power and property, and not to benefit the productivity and rights of the tillers.

The tenants and landless farmers continued their struggle for land rights in the 1970s all the way to the 1990s against the autocratic *Panchayat* regime that ruled from 1960 to 1990, when a new administration took over.

Hopes were high that the new political parties would fight for more meaningful land reform as they had committed to this during their political campaigns. Unfortunately, effective land reform became more of a

lip service by the political parties and farmers and tenants continue to wait for genuine land reform.

Eventually, the tenants and landless farmers came to the conclusion that relying on political parties to advance their interests would not work well for them. What they needed instead was to build a strong movement so that political parties would have no choice but to listen to them and move toward land reform.

An organization was needed to better educate and mobilize fellow tenants and landless farmers in the movement and effectively dialogue with the government and political parties. It was against this backdrop that the Community Self-Reliance Centre (CSRC) was formed in 1993. The aim is to help build a society where tenants and landless farmers live dignified lives and can assert their rights to land resources.

CSRC believes that access to land also means rightful access to basic services, leading to improved quality of life. It also believes that comprehensive land reform will ultimately contribute to the agricultural revolution in a country where the majority of the households depend on agriculture.

Such an agricultural revolution will directly contribute to the ongoing transformation of the country and the formation of a new, more prosperous, Nepal.



## The Land Watch Asia Campaign in Nepal

*Land Watch Asia (LWA) is a regional campaign that aims to ensure that issues of access to land, agrarian reform, and equitable and sustainable development in rural areas are addressed in national and regional development discussions.*

During LWA's initial phase (2007–2008), the campaign spearheaded by CSRC in Nepal achieved the following: (a) conduct and publication of country studies on access to land, (b) conduct and publication of issue briefs on global and regional institutions, and (c) initiation of a regional land rights campaign by engaging various institutions.

To build on the gains of the initial phase, CSRC identified as its strategic intervention to lead efforts by civil society to engage in the process of drafting the Constitution of Nepal, and make sure that provisions on land reform were included in the fundamental law of the land.

In view of this, the Land Watch national campaign organized dialogues between CSOs and the Constituent Assembly (CA) to prioritize land tenure security of the poor and marginalized sectors. The campaign also established a platform of interaction between land rights and community-forest users' movements, to formulate a more integrated position for implementing land reform and ensuring sustainable land use and resource management.

This undertaking was in line with the current phase of the LWA campaign, which aimed to intensify policy dialogues with national governments and regional institutions by strengthening and building consensus among its constituency. Specifically, the campaign objective at the country level was to “develop improved mechanisms and conducive policy environment for policy dialogue and partnerships among CSOs, governments and donors on land issues”.

This project focused on two major components: information sharing; and policy dialogue and campaign

at national level, especially at this time when a new constitution is being finalized.

These components were given priority considering that there is an Interim Constitution put in place in 2007 that declared land reform to be in favor of land-poor people. But this Constitution—like the others before it—has not been implemented effectively to truly make a difference in the lives of peasant families struggling to own the land that they till. Thus the struggle to enshrine land rights in the new Constitution continues, and this will not be successful without information dissemination.

In order to increase knowledge on land rights, regular information sharing was needed. This component was built in as an essential feature of LWA, including regular contribution of news, analysis and other land-related information from participating organizations.

Under policy dialogue and campaigns, the aim was to undertake the following major activities: (a) roundtable discussion on land rights and food security, (b) roundtable discussion on land grabbing, and (c) engaging the drafting of the Constitution, land use policy and national land policy.

The workshop/roundtable discussion on land, food security, and an emerging critical issue for the country (that impact on land rights, e.g. climate change) pursued a multi-stakeholder dialogue on the issues previously discussed here and rekindle the commitment of development organizations in pursuing the unfinished work of assisting the poor in achieving access to their land entitlements.

Land grabbing was a major point of discussion given the increasing commercial pressures on land. There was a need to provide a venue for different stakeholders to discuss and understand better this phenomenon of land grabbing, especially since most of the Nepali households are already hard pressed to have land of their own. Hence, a roundtable discussion on land grabbing was organized to, among others, analyze current and potential impacts of these investments on farmers land tenure and local economy; and recommend appropriate actions.

Finally, the campaign took part in the actual reshaping of the Constitution, land use policy, land laws and formulation of national land policy (umbrella policy for land reform) processes. CSRC and the entire land and agriculture rights movement team paid special attention to providing inputs to the constitutional drafting process to make sure that land reform provisions will be included in the Constitution.

CSRC is proud that three of its land rights movement leaders are members of the CA, and they have been lobbying for guaranteeing the land rights of the poor tillers in the new Constitution and pursuing the land rights discourse at the CA and within their respective political parties. CSRC, for its part, has constantly been providing technical and professional inputs to them.

Further, a People's Parliament, an alliance of individuals working in the field of natural resource management, has also been set up at the civil society level. Parliamentarians and human rights organizations participated regularly in the programs organized by this alliance.

The alliance has been facilitating debates and building opinions on the importance of guaranteeing the poor people's rights over natural resources, including land and food, to change the unjust socio-political and economic structure of the country.

Several CA members representing different political parties have been convinced on the principle

of “housing land for all and tilling land for tillers” and food sovereignty, due to the efforts of CSRC and its members as well as partners.

## Gains of the Campaign

It has always been said that no change at the top will happen unless there is constant pressure from below.

Through the LWA campaign, CSRC and the National Land Rights Forum (NLRF), its partner in pushing for land rights reform, have been able to provide such strong and continuous pressure that has resulted in significant gains.

One of these is the staging in 2008 of a two-week long sit-in in Nepal's capital of Kathmandu where citizens, farmers and land reform advocates gathered to bring their issues of land rights to the government, specifically the end to the feudal land ownership system in Nepal and the formation of a high level land reform commission that will specialize in land issues.

Following the unprecedented sit-in, the government acceded to NLRF's demands and put in place a High Level Land Reform Commission, which was later renamed High Level Scientific Land Reform Commission.

It took about three years for the government-formed commission to publicize the report on how to modify the agrarian and land rights system, which is considered crucial to the transformation of the socio-economic situation and the bringing about of sustainable peace in Nepal.

The Nepalese government's failure to immediately publicize and implement the contents of the crucial report pushed CSRC and its partners to organize discussions among different stakeholders to constantly pressure the government to not just release the report but also take serious steps to implement its recommendations.

The movement to address land rights was provided even greater momentum for the move by a government office—Landless Problem Solving Commission, constituted to identify the real landless people and to provide land







to them—to distribute land ownership certificates to non-landless people. A number of landless people, meanwhile, were forcefully evicted and tillers were dismissed.

This, as well as the continued refusal of the government to act on the report as of early 2011 led NLRF to spearhead in March 2011 a National Land Rights Movement, a national level pressure program to draw the attention of the government as well as political parties to the need to implement recommendations by

the High Level Scientific Land Reform Commission and also ensure women's right to land.

More than 1,000 poor women and 100 male farmers from 50 districts encompassing all development and ecological regions took part in the campaign. The participants who went to Kathmandu were highly motivated by groups such as CSRC and NLRF to fight for their rights.

CSRC and its partner NLRF, mainly a tillers' organization, have been fighting for the implementation of the High Level Land Commission report as it lays down the groundwork to address four major components of the land rights campaign: (i) equitable access to land and social justice, (ii) agricultural input, production and development, (iii) conservation, development and land use planning, and (iv) institutional capacity building in land and agricultural governance.

Giving in to pressure from NLRF, civil society and other stakeholders of the land and agrarian reform campaign, the government has formed a seven-member task force where there is equal participation from NLRF and the

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### Forging an Alliance

Since land reform is a complex political issue, the idea of forming a broad civil society around this issue was conceived by CSRC. Thus, the National Alliance For Land and Agrarian Reform (NALAR) was established. Its members consist of media groups, human rights advocates, and representatives from supporting organizations, CSO representatives and social activists, among others. The alliance adopted the strategy of

enhancing the capacity of the tillers and landless farmers to undertake and lead rights-claiming initiatives themselves. To date, NALAR has been able to reach 0.3 million tenants and landless farmers, develop 996 local activists among the tillers, and strengthen tillers' organizations to launch rights-claiming movements on their own. The tillers' organization, the National Land Rights Forum (NLRF), operating

in 50 districts of Nepal, is a membership-based national people's organization. Its members, which currently number over a million, consist of land deprived people, such as agricultural laborers, slum dwellers, tenants, trust land tenants, landless farmers, former bonded laborers, Dalits, women and other excluded and marginalized groups.



Government of Nepal. This has been also endorsed by the cabinet meeting, and the move is considered a significant achievement of the National Land Rights Movement. The task force is now working with the findings of the two commission reports to ensure they are effectively implemented.

With regard to the campaign against eviction, a range of campaigns and mass demonstrations jointly facilitated by the NLRF are ongoing at district level. As part of this process, regular meetings and discussions have been held with the Chief District Officer (CDO), Army Majors and Human Rights Watch.

The land and agrarian rights campaign celebrated International Women's Day by demanding to establish the women's land rights agenda and land reform on behalf of women farmers. Under the guidance of the NLRF, the National Women's Rights Forum (NWRF) program was celebrated in 40 districts.

A women's procession traveled throughout the different areas carrying banners and placards, along with farming tools and equipment. A letter was also submitted to concerned parties demanding the establishment of women's rights to land.

As a consequence, the Ministry of Land Reform and Management submitted a proposal to the Ministry of Finance to look into the issue of joint land ownership of

husband and wife and the procedure for transferring land ownership from the husband to the wife. This has paved the way for ensuring women's rights to land.

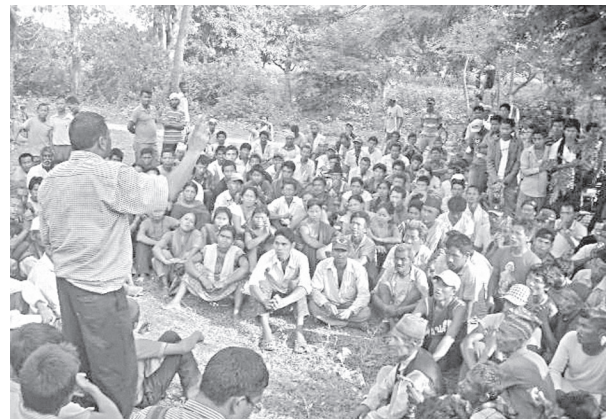
That the women themselves came together to press the leaders to devise clear provisions for land reform is considered one of the historic wins of the movement.

The broad-based grassroots movement sparked in 2011 also won for the land-deprived people a temporary reprieve from eviction following the agreement with the government for them to stay in their settlements until a reliable alternative was put in place. Tilling rights were secured for the meantime.

These achievements would not have been possible without the relentless efforts to educate farmers, tillers and landless poor on their rights to land and why access to land is tied to their economic well-being.

That an increasing number of these agrarian reform stakeholders are now aware of their rights can be traced back to the different discussion forums, roundtable discussions on land rights and land grabbing, and the educational campaigns organized by CSRC and its partners and members.

To build on these gains, popular education training, social mobilization, and sessions on the mobilization of people's organizations will be continued. While steps in the right direction have been taken, there must be no let up in pressure, because there are still strong forces at work, which seek to deny the rights of poor Nepalese people to their land.





The strongest of these forces is the trend of land grabbing initiated by multinational companies, as well as local elites and companies who recognize the great value of land, given growing food insecurity and the demand for non-agricultural land uses, such as housing and industrial development.

CSRC, in cooperation with NGO Federation of Nepal, conducted a case study entitled *Land Grabbing: Threats to Farmers and Community Rights* on the potential impacts of land grabbing on food insecurity in Nepal, the result of which has formed the basis for the next stage of the multi-faceted land rights campaign in the country.

## Lessons Learned and Ways Forward

Agriculture is the main engine that drives the growth of the Nepalese economy, thus any action that will impact on how agriculture is practiced in Nepal will have far-reaching and profound effects.

Non-government organizations such as CSRC, which are involved in the LWA campaign for the landless to have access to land, the primary tool for economic production, know this only too well. This in turn has led to a series of actions to get both the government and the people to understand the importance of agrarian issues.

The LWA campaign is on firm ground and the gains are encouraging enough to strengthen the resolve of the

stakeholders to push the campaign further forward as there is still much that needs to be done.

The gains to date highlight the positive effects of collective action by those who are marginalized and affected by unequal access to land. The government is beginning to recognize the importance of the issues being presented.

Land reform is a complex political issue and it is not possible to have a meaningful impact on policy discussions if only a few organizations are involved. The formation of a broad civil society alliance to work towards the common cause of land rights and agrarian reform was rightly conceived, and the alliance would do well to continue its work of enhancing the capacity of deprived tillers and landless farmers to articulate their concerns and become knowledgeable about their rights.

It is also crucial for momentum to continue dialogue and meaningful collaboration with the government, because it has the authority and mandate to implement rules and regulations pertaining to agrarian reform and land rights.

Attempts to influence the government to formulate a national policy favorable to the farmers and tillers should continue, especially as the constitution is yet to be finalized. Part of the effort would include the documentation and dissemination of different cases on land rights violations to put substance to the farmers' and tillers' claims that while there are laws protecting land rights, these are continuously being violated.

There is also an urgent need for deeper discussions on land grabbing and food insecurity in Nepal. While there has been no evidence so far of land grabbing in Nepal by multinational companies, as is the case in other countries in the region, the national elites and companies are already starting to acquire land for purposes other than agriculture.

There is increasing incidence of agricultural land being converted to non-agricultural use such as for residential and industrial development. If left unchecked,



land grabbing will lead to food insecurity in Nepal, considering how little of the land is productive and how much Nepalis depend on land for their livelihood and their survival.

The issue of land rights should be looked at and resolved with the understanding that it goes beyond the redistribution of lands and the securing of tenure over the land. Aside from just access, farmers and tillers will have to tackle other issues such as the lack of capacity to deal with traders and millers; access to credit and technology to improve their production; and links to market for their goods.

Thus the struggle is one of the continuous empowerment of the poor and the marginalized and it will require strong political will and relentless pressure from stakeholders, especially the farmers, peasants and tillers themselves. ■

## Endnote

- <sup>1</sup> Condensed by Ma. Cristina Dumlao based on reports and updates prepared by Community Self-Reliance Centre (CSRC). Edited by Catherine Liamzon and Nathaniel Don Marquez. Design and layout by Liza Almojuela.

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The International Land Coalition is a global alliance of civil society and intergovernmental organizations working together to promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue and capacity building.



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Founded in 1979, ANGOC is a regional association of 17 national and regional networks of non-government organizations (NGOs) in Asia actively engaged in food security, agrarian reform, sustainable agriculture, participatory governance and rural development. ANGOC member networks and partners work in 14 Asian countries with an effective reach of some 3,000 NGOs and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy debates with national governments, intergovernmental organizations (IGOs), and international financial institutions (IFIs).

ANGOC is a founding member of the International Land Coalition (ILC).

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Land Watch Asia (LWA) is a regional campaign to ensure that access to and control of land, agrarian reform and sustainable development for the rural poor are addressed in national and regional development agenda. The LWA is facilitated by ANGOC and involves civil society organizations in Bangladesh, Cambodia, India, Indonesia, Nepal, Pakistan, Philippines and Sri Lanka. LWA aims to: (i) take stock of significant changes in the policy and legal environments; (ii) undertake strategic national and regional advocacy activities on access to land; (iii) jointly develop approaches and tools; and (iv) encourage the sharing of experiences on coalition-building and actions on land rights issues.

This campaign update covers the period 2010–2011.